

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

EDISON C. TATE, individually, and)
GAYLE J. TATE, individually, as the spouse)
of EDISON C. TATE,)

Plaintiffs,)

vs.)

Case No. CIV-12-002-JHP

STATCO ENGINEERING AND)
FABRICATORS, INC. and)
PROCESS AUTOMATION DESIGN,)
INC. d/b/a PROCESS AUTOMATION, INC.,)

Defendants,)

COMMERCE AND INDUSTRY INSURANCE)
COMPANY,)

Third-Party Plaintiff/Intervenor.)

**PLAINTIFFS' RESPONSE TO DEFENDANT
STATCO ENGINEERING AND FABRICATORS, INC.'S
MOTION FOR CONTINUANCE OF TRIAL DATE AND ENTRY OF
NEW SCHEDULING ORDER [DOCUMENT NO. 130]**

COME NOW the Plaintiffs, Edison C. Tate and Gayle J. Tate, by and through their counsel of record, Joe E. White, Jr. and Charles C. Weddle III, and hereby respond to Defendant's Motion for Continuance of Trial date and Entry of New Scheduling Order [Document No. 130] and, pursuant to this Court's Minute Order entered on December 23, 2013, hereby submit the expedited response.

1. Plaintiffs are prepared to try this case as previously ordered on February 10, 2014;
2. Plaintiffs' counsel advises the Court of the following conflicts in March, 2014:

(a) On Monday, March 3, 2014, a Federal settlement conference in Muskogee set to begin at 9:30 a.m. in *Felisha Carshall v. LeFlore County Detention Center, et al.* before the Honorable Magistrate Judge Kim West;

(b) Plaintiffs' counsel is available the week of March 10, 2014, through March 18, 2014; and

(c) Plaintiff's counsel is scheduled to begin a week-long trial in Oklahoma County District Court before the Honorable Patricia Parrish March 24, 2014, in *William Hicks, et al. v. Epworth Villa, et al.*, CJ-2011-8387.

3. Plaintiffs' counsel has no objection to this matter being set for trial on March 4, 2014.

WHEREFORE, Plaintiffs submit their expedited Response to Defendant's Motion for Continuance of Trial Date and Entry of New Scheduling Order [Document No. 130] pursuant to this Court's Minute Order [Document 132] and for such other relief as this Court deems just, proper, and right.

Respectfully submitted,

s/ Joe E. White, Jr.

JOE E. WHITE, JR. OBA #12930

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December, 2013, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Steven E. Holden
Shad K. Withers
Chris Hastings

s/ Joe E. White, Jr.

JOE E. WHITE, JR.